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10/813,948	03/31/2004	David J. Kuether	PD-201105	7705
20/991 7590 08/04/2008 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 2230 E. IMPERIAL HIGHWAY EL SEGUNDO, CA 90245				
EXAMINER PARRY, CHRISTOPHER L				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

In response to applicant's argument (Page 11, 1<sup>st</sup> ¶, lines 3-5 and 2<sup>nd</sup> ¶, lines 11-17) that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one would be motivated to alter the system of Wagner by adding a bidirectional component for the benefit of making the user aware of a scheduling conflict or confirmation of a recording.

Wagner discloses the conflict resolution attribute (Col. 7, lines 47-54) can be used to resolve conflicts; however the user is unaware of the conflict until later. Wagner further discloses a user accesses an Internet device (Col. 6, lines 43-47) to remotely schedule recordings, thus Wagner discloses the possibility of the user receiving response notifications if a bi-directional system was in place. By combining Wagner with the teachings of Hirata, the user can receive notifications about the status of a transmitted recording task. Hirata teaches sending emails to the user in order to confirm the remotely scheduled recording (Col. 7, lines 54-66) or if there is a conflict that should be resolved (Col. 6, lines 40-55). By providing these emails, the user is updated on the status of the recording, which is a feature missing from Wagner. Thus one would have

been motivated to combine the teachings of Hirata with Wagner for the benefit of providing the user with acknowledgment of a received remote recording scheduling task.

In response to applicant's argument (Page 12, 2<sup>nd</sup> ¶, lines 7-11) stating Ellis provides no basis for transmitting the display screens to resolve conflicts, the examiner respectfully disagrees.

The teachings of Wagner and Hirata disclose a remote scheduling system that allows a user to remotely program a user's set-top box for a recording and resolving any conflicts that arise. The combination is silent on disclosing providing the user with conflict resolution options. By incorporating the teachings of Ellis, the combination of Wagner and Hirata is modified to include transmitting conflict resolution options to a user to facilitate quicker resolution of recording conflicts. The combination of Wagner and Hirata disclose transmitting a conflict notice to the user (Hirata: figure 6; Col. 6, lines 40-55 and Col. 7, lines 3-5). When Wagner and Hirata are combined with Ellis, the system is modified to include transmitting conflict resolution options to the user in order to facilitate quicker resolution to the conflict. Wagner and Hirata disclose sending a notice to the user and by adding the conflict resolution options of Ellis (¶ 0160-0169), the user can receive options about the conflict rather than a generic conflict notice. Thus, it is irrelevant to the method as a whole as to whether Ellis operates in a local environment or bi-directional environment because the combination of Wagner and Hirata provide a bi-directional and remote scheduling system.